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August 24, 1982

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The Honorable President pro Tempore of the Senate
The Honorable Speaker of the Assembly
The Honorable Members of the Senate and the
Assembly of the Legislature of California

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Members of the Legislature:

Transmitted herewith is the Auditor General's report on the Butte College Athletic Training Programs offered at Chico State College. The report responds to a California Teacher's Association request of several legislators for an audit and investigation of the 1981-82 athletic conditioning programs and the academic credits awarded to the participants.

Butte College employed Chico coaches as part-time instructors and scheduled 38 sections of physical education courses at Chico as a conditioning program for athletes. The courses were not properly advertised, classes were not held as scheduled nor when coaches and athletes were traveling. Two of the instructors did not have required teaching credentials or certification documents. Students received questionable units of credit.

The report concludes that Butte College overpaid instructors \$5,300 and overclaimed state funding of at least \$45,000. The Chancellor's Office of the California Community Colleges is prepared to reduce Butte's next apportionment by \$64,266, unless the district can demonstrate by September 15, 1982 that the courses in question were advertised and conducted in accordance with approved curriculum guidelines.

Since this report deals with only one of the 107 community colleges and one of the 19 state universities, it would be appropriate for both systems to review their programs for compliance with rules and regulations relative to the presentation of intercollegiate athletic physical conditioning and granting of academic credits to athletes.

Respectfully submitted,

WALTER M. INGALLS
Chairman, Joint Legislative
Audit Committee



Telephone:
(916) 445-0255

Thomas W. Hayes
Auditor General

STATE OF CALIFORNIA
Office of the Auditor General
660 J STREET, SUITE 300
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August 20, 1982

Letter Report 234

Honorable Walter M. Ingalls
Chairman, and Members of the
Joint Legislative Audit Committee
925 L Street, Suite 750
Sacramento, California 95814

Dear Mr. Chairman and Members:

In response to a request by the Joint Legislative Audit Committee, we have reviewed the circumstances surrounding Butte College's offering 38 sections of physical education at the California State University, Chico, during the summer of 1981 and the winter of 1982. We conducted this review under the authority vested in the Auditor General by Sections 10527 through 10528 of the Government Code.

We found that officials of Butte College and coaches from California State University (CSU), Chico, provided intercollegiate athletic conditioning programs for CSU Chico athletes. Butte College employed CSU Chico coaches as part-time instructors and scheduled 38 sections of physical education to be held on the CSU Chico campus. When arranging these sections, Butte College did not advertise the courses, as required by the California Administrative Code, and hired two instructors who did not have teaching credentials or certification documents, as required by the California Education Code. In addition, the coaches did not hold the courses when they traveled with some of the students to intercollegiate competitions. Furthermore, the coaches did not hold the courses for the hours specified in their contracts or the course schedules. As a result, Butte College overpaid the instructors by approximately \$5,300, may have miscalculated the students' units of academic credit, and overclaimed state funding by at least \$45,000.

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BACKGROUND

The California State University, Chico, is one of the 19 institutions in the California State University system. This system provides instruction in liberal arts, sciences, and other applied fields that require more than two years of college education. In addition to academic and applied fields, CSU Chico conducts intercollegiate athletic programs in such sports as baseball, basketball, football, swimming, track, and wrestling.

Butte College is one of the 107 colleges in the California Community College system. Butte College provides two-year undergraduate instruction in the liberal arts and sciences and offers a large number of occupational, adult, and community service courses. Butte College offers many of these courses through several off-campus locations in communities such as Oroville, Paradise, Biggs, and Chico.

The Butte Community College District Board of Trustees governs the operations of Butte College. The Board of Governors of the California Community Colleges establishes criteria and standards for classes and for the employment of academic staff. The Chancellor of the California Community Colleges, who is also the chief executive officer of the Board of Governors, monitors and reviews the programs of community colleges and reviews the amount of state funding that each program will receive.

Community colleges receive state funding based upon student attendance. During fiscal year 1981-82, Butte College received more than \$9 million in state funds.

SCOPE AND METHODOLOGY

To determine whether state funding was properly granted to Butte College and whether academic credit was properly calculated, we examined relevant state laws and regulations, attendance records, student records, and other documentation at CSU Chico and Butte College. In addition, we reviewed the requirements for advertising courses and for hiring instructors. Finally, we interviewed instructors and officials at these two institutions as well as officials from the California State University Chancellor's Office and the Chancellor's Office of the California Community Colleges.

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In addition to the issues in this report, we examined the grades that the students received and whether the CSU Chico coaches had fulfilled their contractual obligations to CSU Chico during the times in question. We found no problem with either of these issues and are therefore reporting only on the issues that merit corrective action.

AUDIT RESULTS

In carrying out the intercollegiate athletic conditioning programs, Butte College officials failed to adhere to several provisions of the California Education Code and the California Administrative Code. In the following sections, we first provide details of the arrangement between Butte College and the coaches of CSU Chico, and then discuss the specific problems with this arrangement.

The Arrangement Between Butte College and the CSU Chico Coaches

During academic year 1981-82, officials of Butte College and coaches of the California State University, Chico, established a relationship that provided conditioning programs and academic units to members of CSU Chico's intercollegiate athletic teams while at the same time providing additional state funds to Butte College. During the two preceding years, CSU Chico had a similar arrangement with Lassen College. However, according to the Vice President for Academic Affairs at CSU Chico, the costs of transporting CSU Chico athletes and equipment to Lassen College became prohibitive, so the coaches decided to approach Butte College.

Under the arrangement, Butte College employed nine CSU Chico coaches as part-time instructors to teach 38 sections of physical education. These 38 sections of physical education were organized into six intercollegiate athletic conditioning programs in baseball, basketball, football, swimming, track, and wrestling. Table 1, on the following page, shows how the 38 sections of physical education were organized into the conditioning programs.

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TABLE 1

COMPOSITION OF THE SUMMER 1981
AND WINTER 1982 PHYSICAL CONDITIONING PROGRAMS

<u>Summer 1981 Conditioning Program August 13, 1981 to August 29, 1981</u>	<u>Physical Education Course</u>	<u>Number of Sections</u>
Football	PE 270 Football	4
	PE 240 Intermediate Weight Training	4
	PE 240 Advanced Weight Training	4
	PE 240 Fitness	4
	PE 240 Jogging	4
<u>Winter 1982 Conditioning Program January 4, 1982 to January 23, 1982</u>		
Baseball	PE 270 Baseball	1
	PE 240 Fitness	1
	PE 240 Weight Training	1
Basketball	PE 270 Basketball	1
	PE 240 Fitness	1
	PE 240 Weight Training	1
Swimming	PE 260 Swimming	1
	PE 240 Fitness	1
	PE 240 Weight Training	1
Track	PE 260 Track	2
	PE 240 Fitness	2
	PE 240 Weight Training	2
Wrestling	PE 220 Wrestling	1
	PE 240 Fitness	1
	PE 240 Weight Training	1
Total Sections		<u>38</u>

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Butte College claimed \$64,266 in state funds and paid the coaches \$23,211 during these summer and winter sessions. To defray the costs of feeding the athletes, paying assistant coaches, and covering other miscellaneous expenses of the conditioning programs, the coaches donated their income to the CSU Chico intercollegiate athletic program through the California State University, Chico, foundation (foundation).* The coaches' pay, less withheld taxes, was \$19,204. At the conclusion of the courses, the coaches donated \$17,379 of their pay to the foundation. The foundation paid \$17,104 for food service for the athletes and other expenses related to the conditioning programs, including payments of \$860 to assistant coaches. The coaches also paid \$1,440 of their net salaries to assistant coaches and \$385 for other miscellaneous expenses of the conditioning programs.

Butte College Failed to
Advertise the Courses Properly

Butte College did not advertise the 38 sections of physical education courses as required by Section 51824 of the California Administrative Code. As a result, Butte College inappropriately restricted the enrollment in the courses.

Title 5, Section 51824, of the California Administrative Code states, in part, as follows:

All courses to be conducted shall
be...listed in the schedules of classes.

Courses which are established or conducted after publication of the general catalog or regular schedule of classes shall be reasonably well publicized.

* The California State University, Chico, foundation is a separate legal entity operating as a private, nonprofit corporation. Generally, the foundation receives gifts, scholarships, and trust funds, organizes fund raising activities within the university, and seeks funding for research projects.

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Announcements of course offerings shall not be limited to a specialized clientele, nor shall any group or individual receive notice prior to the general public for the purposes of preferential enrollment, limiting accessibility, or exclusion of qualified students.

None of the 38 sections of physical education was listed in the schedules of classes or reasonably well publicized as required by the California Administrative Code. The Chancellor's Office of the California Community Colleges stated that courses must be sufficiently advertised so that individuals who may be interested in the courses could be expected to learn that they are being offered. Advertising includes such things as informing counselors, instructors, and students about the courses, posting notices on bulletin boards, and publishing notices in the newspaper. The Chancellor's Office further stated that it can deny state funds claimed for courses that are not reasonably well publicized.

Counselors and physical education instructors at Butte College knew nothing about the courses until after the courses were completed. Furthermore, there were neither posters around campus nor advertisements in the local newspaper publicizing the courses. According to the CSU Chico Athletic Director, the coaches told the CSU Chico athletes in team meetings about the courses. The athletic director stated that any student who attended the first class meeting could register for the course. However, because notice of the courses was directed at CSU Chico athletes, Butte College, in effect, restricted attendance to the intercollegiate athletic teams, a specialized clientele. Comparing the final grade reports to the team rosters shows that over 97 percent (212 of 218) of the students attending the conditioning programs were members of the CSU Chico intercollegiate teams in baseball, basketball, football, gymnastics, swimming, track, or wrestling. Six of the 212 students were acting as assistant coaches on the teams. All students received grades of "A" in these courses.

The acting Assistant Superintendent, Vice President for Instruction of Butte College, does not normally advertise courses that are late additions to the curriculum. Furthermore, he did not advertise the courses because he thought that sufficient interest in the courses had already

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been generated. In the spring of 1981, Chico coaches met with the acting Assistant Superintendent, Vice President for Instruction, and convinced him that they would be able to register a sufficient number of students to justify conducting the courses.

Butte College Employed
Instructors Without Proper
Teaching Credentials

Butte College hired two coaches to teach the conditioning programs who did not hold the required community college teaching credentials. By failing to comply with this requirement of the California Education Code, Butte College could have jeopardized not only its state funding but also the units of academic credit granted to the students.

The Butte College Athletic Director evaluated the qualifications of the CSU Chico coaches, considered them qualified for the positions, and recommended to the acting Assistant Superintendent, Vice President for Instruction, that Butte College hire the coaches. The Personnel Office at Butte College also evaluated and approved the qualifications of the instructors.

Butte College did not comply with the legal requirements for hiring community college instructors. Section 87274 of the California Education Code generally requires that community college districts employ instructors who possess valid credentials or certification documents. However, Butte Community College District hired one coach to teach from August 13, 1981, to August 29, 1981. His certification document became effective on September 24, 1981. Another coach taught from January 4, 1982, to January 23, 1982, even though his certification document did not become effective until January 13, 1982.

According to provisions of the California Education Code, the California Administrative Code, and the community college Attendance Accounting Manual, instructors must have credentials to teach credit courses that generate state funding. Since two of the coaches did not have valid community college credentials or certification documents, the courses that they taught may not have properly generated state funds or units of academic credits.

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Instructors Did Not
Hold the Courses

The coaches were scheduled to hold the winter session courses at CSU Chico between January 4, 1982, and January 23, 1982. However, three coaches traveled with some of the students to Oregon, Washington, and Utah and to other cities in California for intercollegiate competition during the time that the courses were being held. According to activity schedules submitted by the coaches, the coaches did not conduct courses on the days that coaches and students participated in intercollegiate competitions. Furthermore, students in these courses who remained at CSU Chico did not receive direct supervision from a coach with a required credential.

Butte College scheduled the winter session courses between January 4, 1982, and January 23, 1982. These courses were to be held on the CSU Chico campus. However, between January 11, 1982, and January 17, 1982, the wrestling instructor traveled with 13 of the 27 wrestling students to Eugene and Corvallis, Oregon, and to Tacoma, Ellensburg, Cheney, and Pullman, Washington. He also traveled with 10 students to Ashland, Oregon, and Davis, California, on January 22, 1982, and January 23, 1982, respectively.

The basketball instructor traveled with 12 of the 15 students to Arcata, between January 8, 1982, and January 10, 1982, and to San Francisco and Hayward, between January 15, 1982, and January 17, 1982.* The swimming instructor went to Provo and Salt Lake City, Utah, with 14 of the 20 students on January 15, 1982, and January 16, 1982. He also went to San Diego and Irvine between January 3, 1982, and January 10, 1982, but we were unable to determine how many students accompanied him on this trip.

* The basketball coach stated that all 15 of his students traveled out of town. However, the travel claim indicates that only 12 students accompanied the coach.

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During these intercollegiate competitions, the students and coaches represented CSU Chico in athletic competition with such schools as Oregon State University, Washington State University, Humboldt State University, and the University of California at San Diego. The wrestling students, basketball students, and swimming students who did not travel with the teams did not receive the direct supervision of the coaches. According to one of the coaches, a student assistant conducted the wrestling courses during the coach's absence.

On the days that teams were competing, the coaches did not teach the scheduled physical education courses. For example, on 8 of the 18 days that courses were scheduled, the wrestling team was competing in wrestling meets with schools in Washington, Oregon, and California. On 2 of these 8 days, the team activity schedule indicates that the team did not hold any activity other than the competitions. On 7 of the 8 days, the wrestling team did not meet for the number of hours required by the schedule of courses.*

The basketball team competed in five games on days that courses were scheduled. The team held practices on 4 of the 5 days, including three one-hour practices and one two-hour practice. The swimming team competed in meets on 7 of the 18 scheduled course days. The activity schedules indicate that the swimming team had practice on only 4 of these 7 days. However, based on the course schedules for both the basketball program and the swimming program, it does not appear that the coaches held the courses as scheduled.*

Butte College Paid Part-Time
Instructors More Than They Earned

The coaches conducted the conditioning programs according to a different schedule than that established by Butte College. However, Butte College did not monitor the activities of the coaches and paid them according to the terms of the contracts. As a result, Butte College paid six coaches approximately \$5,300 more than they earned.

* The course schedules required 6 hours of activity each day from January 4, 1982, until January 16, 1982, and 2 hours of activity each day between January 18, 1982, and January 23, 1982.

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The employment contracts specified that between August 13, 1981, and August 29, 1981, the coaches hired for the summer session were to teach the football and physical fitness courses for 72 hours and the intermediate weight training, advanced weight training, and jogging courses for 112.5 hours. The total teaching commitment for the summer session was to be 184.5 hours. Between January 4, 1982, and January 23, 1982, the coaches hired for the winter sessions were to teach one 36-hour course in fitness, one 24-hour course in weight training, and another 24-hour course in one of the following sports: baseball, basketball, swimming, track, or wrestling. The total winter session teaching commitment was 84 hours.

We examined the activity schedules that describe what the coaches did during the days they were under contract with Butte College in August 1981 and January 1982. The schedules indicate that coaches held the conditioning programs for 134.5 hours during the 1981 summer session and from 45.5 to 112 hours during the 1982 winter session. In computing these hours, we excluded the time for meals, traveling to intercollegiate competitions, and the competitions themselves because the employment contracts require coaches to follow the course outlines. Meals are not activities included in the course outlines, and furthermore, we could not find a connection between the course outlines and the intercollegiate competitions in which students represented CSU Chico. We included the time for all practices and for all treatments in the training room. Table 2 on the following page depicts how long the coaches conducted the conditioning programs during the summer and winter sessions.

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TABLE 2

BUTTE COLLEGE CONDITIONING PROGRAMS
SCHEDULED AND ACTUAL ACTIVITY HOURS
1981 SUMMER SESSION AND 1982 WINTER SESSION

<u>Sport</u>	<u>Activity Hours</u>		<u>Activity Hours</u>	
	<u>1981 Summer Session</u>	<u>Scheduled</u>	<u>1982 Winter Session</u>	<u>Actual</u>
Football	184.5	134.5		
Baseball			84	70
Basketball			84	55
Track			84	84
Swimming			84	112
Wrestling			84	45.5

Butte College did not verify whether the coaches actually taught the courses for the required number of hours and in a manner specified by their contracts. Consequently, Butte College overpaid six of the nine coaches. The terms of the contracts for the summer session coaches allowed an hourly pay rate for a total of 184.5 hours. The winter session coaches had a similar contract but the total hours were 84. According to the payroll records, Butte College paid the coaches the total amounts allowed under the contracts: the summer coaches were paid approximately \$14,000, and the winter coaches were paid approximately \$9,000. We computed the salary that the coaches actually earned by multiplying the hours shown on the activity schedules by the hourly rate specified in the contracts. According to our calculations, Butte College paid the six coaches who did not hold the physical activities for the required number of hours approximately \$5,300 more than they earned.

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Butte College Inaccurately
Granted Units of Academic
Credit to Students

Butte College granted the summer session students 7.5 units of academic credit and the winter session students 3.5 units of academic credit. According to Butte Community College District policy, to earn one unit of academic credit, a student must attend 24 hours of a combined lecture and activity course under the direct supervision of an instructor with an appropriate teaching credential. The final grade reports that Butte College used to compute the units of academic credit that students earned did not correctly indicate the hours that students attended the courses. As a result, Butte College inaccurately credited students' permanent records.

According to the final grade reports, which are the documents that Butte College uses to determine students' units of academic credit, the summer session students attended the five courses for 180 hours and earned 7.5 units of academic credit. For the winter session, the final grade reports indicated that students attended three courses for approximately 84 hours, thus earning 3.5 units of academic credit.*

However, as we explained in the previous section, the instructors held the summer session courses for only 134.5 hours and the winter session courses for 45.5 to 112 hours. Based on a Butte Community College District standard of 24 hours for each one unit of credit, the summer session students actually earned approximately 5.5 units of academic credit and the winter session students earned from 1.5 to 4.5 units of credit.

In addition, some students in the summer and winter sessions received more units than other students in the same sessions. In one case, errors were made when posting the units to the students' permanent records, resulting in some students' receiving less than 7.5 units for the five classes. According to the Associate Dean of Admission and Records, Butte College

* Ten of the 218 students who attended the 1981 summer session and the 1982 winter session have transferred the Butte College units to CSU Chico.

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has corrected this error. In another case, three students received more than 7.5 units during the summer session. These students' permanent records indicate that they received credit for courses that they did not attend. The Associate Dean said that possible computer errors were responsible. Finally, three winter session students received additional credits for other courses that they attended during the regular winter session.

Butte College Claimed More State Funds Than the Courses Earned

Butte College overclaimed state funds for the conditioning courses because it used inaccurate attendance reports. California Community College funding regulations compute attendance based on regularly scheduled course hours under the direct supervision of a certified employee. As explained in earlier sections, two coaches did not have teaching credentials when they were teaching the courses, and coaches did not hold the courses for the scheduled class hours. Consequently, Butte College can properly claim approximately \$18,700 of the estimated \$64,300 in state funds that it actually claimed for these courses. Moreover, Butte College may not be able to claim even this amount because it restricted the courses to a specialized clientele.

Butte College earns state funds based upon the number of hours that students are under the direct supervision of a certified employee of the district. (These are called "contact hours.") Instructors are to accumulate these contact hours only during scheduled class times. For courses shorter than four weeks, Butte College takes the total contact hours from the final grade reports for all students and divides it by 525 to convert the time into average daily attendance (ADA). During fiscal year 1981-82, each unit of ADA was worth \$1,339 in state funds to the college. The final grade reports from the physical education courses indicate that Butte College accumulated 25,444 contact hours, or 48 units of average daily attendance. This amount of ADA resulted in Butte College's receiving approximately \$64,300 in state funds.

Using the activity schedules for the conditioning programs, we calculated the units of ADA that the coaches recorded during the summer and winter sessions. Because two coaches did not have certification documents, attendance at their courses

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cannot be used when computing ADA. Thus, excluding meals, intercollegiate competitions, and courses taught by noncertified instructors, we estimate that the coaches accumulated 31 units of average daily attendance.

Furthermore, some activities occurred outside scheduled course times. For example, the swimming coach held practices starting at 8:00 p.m. during one week of the winter session. Because these practices were not held during any of the scheduled course times, attendance at these practices cannot be used to calculate ADA. After limiting contact hours to those hours accumulated under the direction of certified instructors during scheduled course times, we estimate that the 1981 summer and 1982 winter sessions generated a combined total of only 14 units of ADA.

Therefore, we believe that Butte College overstated average daily attendance by 34 units and overclaimed state funds by approximately \$45,500. Furthermore, as we discussed on page 5, it appears that Butte College inappropriately restricted enrollment in these classes to a specialized clientele, which means that Butte College may not be able to claim any state funds for the conditioning programs.

CONCLUSION

Officials of Butte College and coaches from California State University, Chico, established 38 physical education courses for CSU Chico athletes. These courses, held on the CSU Chico campus and at other locations, provided six intercollegiate athletic conditioning programs. Through this arrangement, Butte College officials increased Butte College's state funding while at the same time providing funds for CSU Chico's conditioning programs for CSU Chico athletes.

The methods that the officials and coaches used to establish and conduct these courses were not in accordance with provisions of the California Education Code and the California Administrative Code. The officials did not properly advertise the courses and thus, in effect, restricted enrollment in the courses to a specialized clientele, hired noncertified instructors, overpaid the instructors, miscalculated the students' units of academic credit, and overclaimed state funds.

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RECOMMENDATION

To correct the deficiencies noted in this report, the President of Butte College should do the following:

- Ensure that established hiring procedures are consistently followed so that only instructors with valid community college credentials or certification documents teach community college courses;
- Take steps to recover overpayments made to the coaches;
- Adjust the academic records of the students who attended the courses to reflect the proper number of units earned; and
- Ensure that future off-campus courses are monitored so that state funds and academic credits are properly earned.

Additionally, because Butte College overclaimed state funds, the Chancellor of the California Community Colleges should reduce the amount of state aid claimed by Butte College for the 1981-82 academic year to a level consistent with the amount of average daily attendance that was properly earned.

Respectfully submitted,



THOMAS W. HAYES
Auditor General

Staff: Thomas A. Britting, Audit Manager
Walter M. Reno, CPA
Rush Russell

Attachments: Responses to the Auditor General's Report

California Community Colleges
Butte College
California State University, Chico

CALIFORNIA COMMUNITY COLLEGES

1238 S STREET
SACRAMENTO, CALIFORNIA 95814
(916) 745-8752



August 18, 1982

Thomas W. Hayes
Auditor General
660 J Street, Suite 300
Sacramento, CA 95814

Dear Mr. Hayes:

The Chancellor's Office has completed its review of the August 11 draft copy of your report concerning intercollegiate athletic training programs offered through Butte Community College at California State University, Chico.

We are in general agreement with your findings in regard to whether the courses were reasonably well publicized, an area we have independently investigated. Based on information obtained in our investigation, we are unable to comment on the validity of your findings in those areas which we did not independently investigate and where your research was conducted in greater detail than we were able to pursue. We do, however, assume that you can substantiate those findings.

Our investigation has lead us to seek recovery of the funds apportioned to Butte Community College District for resident student average daily attendance claimed in all courses in question. A copy of the findings of that investigation and our related directive to the district are attached. This attachment provides the detail of our response to your report and should also serve as confirmation that the Chancellor's Office has initiated action which will represent implementation of your draft recommendation to the agency.

Within our severely restricted resources we also plan to take the following steps to ensure that what has occurred at Butte Community College will not occur statewide:

1. We will distribute your report to all community colleges once it becomes public;
2. We will develop a more specific compliance question or questions on the subject of open courses (requiring a test of whether added courses are "reasonably well publicized" as required by Section 51824 of Title 5) for use in connection with annual independent audits of districts pursuant to Section 84040 of the Education Code.

Thomas W. Hayes

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August 18, 1982

If you wish to discuss our response to your report or the findings of our investigation, please contact Joseph P. Keating, Assistant Chancellor, Administration at 445-7911.

Sincerely,

Gerald Hayward, Chancellor

Attachment

cc: Joseph P. Keating
Joseph M. Freitas
Tom Nussbaum
Thomas A. Britting

CALIFORNIA COMMUNITY COLLEGES

1238 S STREET
SACRAMENTO, CALIFORNIA 95814
(916) 445-8752

August 11, 1982

RECEIVED

AUG 11 1982



FISCAL SERVICES

Dr. Wendell Lee Reeder, Superintendent
Butte Community College District
3536 Butte Campus Drive
Oroville, CA 95965

Dear Dr. Reeder:

The Chancellor's Office has completed its investigation of whether the Butte College Physical Education courses offered at Chico State University during the Summer of 1981 and Winter of 1982 were offered in compliance with relevant provisions of the Education Code and Title 5 of the Administrative Code.

Various agency staff have examined all records submitted by Butte College in response to our requests of May 6, May 11, and July 12, 1982. As you know, a review team consisting of Allan Petersen, Administrator of Program Evaluation and Approval and Lynn Miller, Fiscal Services Specialist, visited the campus and conducted interviews of Butte College and Chico State University personnel who had first-hand knowledge of the events surrounding the offering of these courses.

Based upon review of all the evidence submitted, it is our conclusion that the courses in question (as actually offered) were not in the general catalog or schedule of classes and were not "reasonably well publicized". The classes are, therefore, determined not to have been open for enrollment and participation by any person meeting the prerequisites for the courses. On this basis, student attendance in these courses is not eligible for State support. In addition, it is our judgment that the courses were packaged in a format, sequence, location and time schedule that would not justify their being characterized as State approved Butte College courses.

Section 51820 of the Title 5 states that a district shall not receive State support for attendance in a course which is not open for enrollment and participation by any person who meets the prerequisites of such a course as further defined in Section 51823.

Section 51824 of Title 5 provides one test of openness: All courses to be conducted shall be described in the official general catalog and/or addenda and listed in the schedule of classes. The section does recognize that some courses are established or conducted after publication of the regular schedule of classes. The requirement in these circumstances is that the course be "reasonably well publicized," violations of which include limiting the announcement of course offerings to a specialized clientele and giving prior notice to a group for the purpose of preferential enrollment.

In the case of Butte College, there is no evidence of announcement or other publication of the Physical Education courses in question. Further, the courses were not sufficiently well publicized by other means to ensure district-wide

Dr. Wendell Lee Reeder, Superintendent
August 6, 1982

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accessibility. No supplement was published listing the time and place where they would be offered. No special announcements were distributed. Only a limited number of Butte College personnel were aware that the courses were going to be offered and, thus, there was little opportunity for potentially interested students to learn of the courses through the normal registration process.

Section 54180 of Title 5 states that another qualifying condition for State support is that the course or program of which it is a part must be approved by the Board of Governors. Section 55002 of Title 5 which describes Board of Governor approved standards for such courses further states that at a minimum a credit class may be offered in content, instructional methodology and methods of performance evaluation as described in an outline and/or curriculum guide maintained in official college files. While in Butte College's case it appears that the generic courses in question were approved as required, there is no evidence that the specific activities actually undertaken under these titles were encompassed in that approval. There is considerable discrepancy between the manner in which the courses were conducted and the approved descriptions of how they should be conducted. Although California State University at Chico staff hired by Butte College were in possession of course descriptions and outlines furnished by Butte College officials, there is no evidence of the required monitoring by Butte College officials to assure that the appropriate approved course guides were followed.

Accordingly, unless Butte Community College District can successfully demonstrate by September 15 that the offerings of the courses in question were reasonably well publicized for accessibility to potential students throughout the district and conducted in accord with approved curriculum guides, the Chancellor's Office will reduce the district's funded ADA for 1981-82 FY by 48, the amount of attendance claimed for all the courses in question, reduce the district's next apportionment approximately by \$64,266 to recapture the 1981-82 funds, and adjust the subsequent years' funding eligibility.

Attached is a draft of the full report prepared by the review team which contains the supporting detail for these conclusions, as well as other questionable issues relative to the subject courses, provided at this time to allow you an opportunity to respond to all of the findings.

Sincerely,


Joseph P. Keating
Assistant Chancellor, Administration

Attachment

cc: Gerald Hayward
Joseph Freitas
Allan Petersen
Lynn Miller
Roger Merle
Tom Nussbaum
Thomas Briting
Ruchard Cutting

Review of Butte College
Physical Conditioning Activities
Provided to
California State University, Chico
During 1981-82

During August 13 through 29, 1981, and again January 4 through 16, 1982, Butte College and California State University, Chico (CSUC), entered into an arrangement whereby CSUC athletes received physical conditioning training in courses offered through the auspices of and funded by Butte College.

The August 1981 conditioning program was offered to 82 members of the CSUC football team, while the January 1982 conditioning program was offered to members of the CSUC swimming, basketball, wrestling, and baseball teams.

The Butte College course titles through which the conditioning program was facilitated were PE 220, 240, 260, and 270. 209 CSUC ahtletes enrolled in 30 sections of these physical education activities.

Butte College claimed 48 units of average daily attendance for the courses and received approximately \$64,000 in state funds.

Concern as to the propriety of the arrangement with CSUS was expressed within Butte College District and the Chancellor's Office was informed by the Superintendent/President and asked to conduct a review.

This review of Butte College's physical education courses offered in the format of two pre-season conditioning camps for CSUC athletes addresses the extent of the college's compliance with six legal requirements of Title 5 of the California Administrative Code.

The six legal requirements are:

1. Open enrollment (Sections 51820, 51823 and 51824)
2. Certification of Instructors (Sections 52000 and 54180)
3. Course Approval (Sections 54180, 55002(a)(3) and 55005)
4. Attendance Accounting (Section 59052)
5. Grading Practices (Section 51302(e))
6. Units of Credit (Section 55002)

(2)

I. Open Enrollment

Section 51820 of Title 5 states that a community college district shall not receive State support for attendance in a course which is not open for enrollment and participation by any person who meets the prerequisites of such a course as further defined in Section 51823. (See also Education Code Section 84500.1.)

Section 51824 of Title 5 provides one test of openness by clarifying that all courses to be conducted shall be described in the official general catalog and/or addenda and listed in the schedule of classes. The section does recognize that some courses are established or conducted after publication of the regular schedule of classes. The requirement in these circumstances is that the course be "reasonably well publicized," violations of which include limiting the announcement of course offerings to a specialized clientele and giving prior notice to a group for the purpose of preferential enrollment. Whether an added course has been "reasonably well publicized," and thus met the standard prescribed in Section 51824, is a question which can only be answered by looking at the particular facts and circumstances surrounding the addition of the particular course. In general, it is not sufficient for a district to simply notify those persons who it thinks might be interested in the course. There also needs to be some attempt to notify the student body or public in general. Among the procedures that could be used to provide such notice are posting of added classes in a designated place or places or including provisions in the catalogue or schedule of classes explaining how students can find out which classes have been added.

In the case of Butte College, there is no evidence that announcement of the Physical Education courses in question was ever published. Furthermore, the courses were not publicized by other means to ensure districtwide accessibility. Some college administrators with authority for coordinating registration were aware of the courses, but did not overtly communicate their availability to those who might be interested at the time of registration in any manner that would suggest an invitation to participate in either of the summer 1980 or January 1981 conditioning offerings.

According to Butte College officials, the date of final agreement with CSU Chico to offer the summer 1981 conditioning program was April 23, 1981, while the first day of instruction for the summer program for both day and evening students was June 22. That early agreement should have permitted supplemental special bulletins, notices, and instructions to all concerned if, in fact, the printing deadline for inclusion of the courses in the summer class schedule was missed.

(3)

The actual enrollments were made up of 209 CSU Chico athletes, six members of the CSU Chico coaching staff who also were enrolled, a female student who subsequently withdrew, and possibly a nonathlete Butte College student who may have completed one segment of the program according to files at Butte College. (CSU Chico officials do not recall that there was a nonathlete Butte College student enrolled.)

Other factors mitigating against the courses being open were:

- o The classes were merged, adjusted, and reformed to the extent that nonathlete students would most likely have had to enroll in the total package of courses unless handled on an exception basis.
- o CSUC team physical examinations were a prerequisite for enrollment. The physicals were given by the CSUC team doctors.
- o After the first four or five days of the summer 1981 conditioning camp, football gear was issued and the afternoon workouts consisted of physical contact.
- o The conditioning program incorporated skill sessions, team meetings, running plays and meal sessions.
- o The swimming and wrestling teams engaged in intercollegiate completion away from the CSU Chico campus while enrolled in the conditioning programs.
- o The activities were provided on the CSU Chico campus rather than on the Butte College campus presumably for the convenience of CSUC athletes.
- o CSUC equipment was utilized throughout the conditioning program.
- o The Butte College registration fee was not charged to those CSUC athletes who were enrolled.

(4)

II. Certification of Instructors

Section 52000 of Title 5 states that no person shall be employed by a district as an instructor unless such person holds a valid credential. Section 54180 further elaborates that in order for the attendance of students enrolled in a course to qualify for State apportionment that students must be under the immediate supervision of an employee of the district who possesses a valid certification document which authorizes the employee to render service in the capacity and during the period in which the employee served. (See also Education Code Section 84500.) The code is quite explicit, instructors must be properly credentialed before attendance in their classes can generate State financial support.

In the case of Butte College, records submitted by the college and Chancellor's Office files indicate that three instructors employed by Butte College to teach courses in question were not properly credentialed at the beginning of their classes. One of these did, however, receive a temporary certificate while his classes were in progress. The other two instructors have stated that they applied to the Chancellor's Office for a credential by the first day of instruction. Chancellor's Office records of credential applications do not verify this contention.

Customary Butte College employment practices were not followed for the conditioning programs. As far as can be ascertained no employment interviews were conducted, the physical education area dean was not involved in ranking or screening prospective teachers, nor were full-time Butte College physical education instructors given an opportunity to apply.

Although not specifically related to certification of instructors, there was no apparent monitoring or supervision of any measurable consequence by those at Butte College responsible for evening or off campus instruction inspite of the fact that the instructors were new and untested in terms of the course titles that were used.

(5)

III. Course Approval

Section 54180 of Title 5 states that another qualifying condition for State support is that the course or program of which it is a part must be approved by the Board of Governors. (See also Sections 78203, 78412, Education Code.)

While the generic courses in question were approved as required, the specific activities actually undertaken under these titles were not listed as a part of the approved courses. For example, Section 55002 of Title 5 describes Board of Governors approved standards and criteria for courses and classes. This section states that at a minimum a credit class is offered in content, instructional methodology and methods of performance evaluation as described in an outline and/or curriculum guide maintained in official college files. It cannot therefore be said that a course has been approved if a discrepancy exists between the manner in which the courses is conducted and the approved description of how the course is to be conducted.

Although CSUC was in possession of course descriptions and outlines furnished by Butte College officials, there is no evidence that a meaningful monitoring effort was conducted to ensure that they were followed.

Most of the courses shown on page 150 of the Butte catalog under Physical Education Activity Courses are described in a manner that would cause the reader difficulty in determining actual course content. Title 5 Sections 55002(a)(3) and 55005 require an accurate description of all credit courses and a publication of course standards to be available to students. The descriptions on page 150 fall short of the intent of these regulations.

It appears that the courses were offered at other than scheduled hours. For example, the CSU Chico weight room would not have accommodated all who enrolled for weight training at the designated hour. Other courses met before or after the scheduled beginning and ending dates. Such courses failed to meet as prescribed and, therefore, were ineligible for ADA funding.

(6)

IV. Attendance Accounting

Section 59052 of Title 5 requires that attendance information be maintained and reported within certain formats. The intent is to ensure that the accuracy of data can be verified by independent parties.

In this instance, while the attendance data was presented in the proper format, the supporting documentation contained numerous inconsistencies. In several cases the hours of attendance reported exceed the number of possible hours of attendance as computed from documents which define the days and hours per day of instruction.

(7)

V. Grading Practices

Section 51302(e) of Title 5 states that when a district offers courses in which there is a single satisfactory standards of performance for which unit credit is assigned, the "CR/NC" grading system shall be used to the exclusion of other grades. In these circumstances, credit shall be assigned for meeting that standard, and no credit for failure to do so.

Every student in the subject courses was assigned a letter grade of "A". Based on this fact, it appears that the instructors were in fact using a single standard of satisfactory performance, in which case the courses should have been offered for "CR/NC."

While it is a practice of some colleges to assign "A" grades to student athletes on the basis of their special contribution, effort, and excellence, these courses as defined in the Butte College Catalogue were regular physical education courses that would presumably not be taken exclusively by athletes involved in inter-collegiate sports. It is unlikely under such circumstances all enrolled students should receive an "A" grade.

(8)

VI. Units of Credit

Section 55002 also states that a minimum standard for an educational offering being considered an approved course is that units of credit are granted based upon a specified relationship between the number of units assigned to the course and the number of lecture and/or laboratory hours or performance criteria specified in the course outline.

In this instance, there is evidence that the specified relationships were not uniformly enacted. The records submitted by Butte College contained various data inconsistencies between units of credit assigned and hours of instruction offered. Some of these inconsistencies were apparently due to computer error and have already been corrected. Staff did not have sufficient opportunity to determine whether other errors were of such a magnitude as violate the intent of Section 55002.

Those enrolled in the program were able to generate up to 8.1 units of credit for the two week conditioning activities. Staff did not have sufficient opportunity to pursue this matter. However, it would be appropriate for the District to evaluate its practices to assure that proper application of standards and consistency is exercised.

(9)

BUTTE COLLEGE

OF THE BUTTE COMMUNITY COLLEGE DISTRICT

Area Code 916 / 895-2511

3536 BUTTE CAMPUS DRIVE · OROVILLE, CALIFORNIA 95965

August 17, 1982

Mr. Thomas W. Hayes, Auditor General
State of California
Office of the Auditor General
660 J Street, Suite 300
Sacramento, California 95814

Dear Mr. Hayes:

In response to the draft copy of your letter report concerning inter-collegiate athletic training programs offered through Butte College at California State University, Chico, we wish to clarify several of your comments as follows:

Advertisement

Reference to lack of advertising of classes noted on page 5 is accurate. However, Mr. Matlock met with Mr. Marshall and Mr. Trimmer on April 23 for the first time, and plans for the offerings were not finalized at that meeting. The Butte College Summer Schedule was sent to the printers in Chico (Typografx) for printing plates on April 17, and hand carried to Berkeley on May 4. We received it from Berkeley on May 20. The schedule is consistently prepared considerably ahead of the publication date, and Mr. Matlock had not met with the CSU, Chico, staff members until after completion of the schedule and its subsequent placement at the printers. It is common practice that classes added after deadline dates for the schedule completion are not indicated on the schedule. Even though we were aware that we might offer a Winter Session at CSU, Chico, the details were not finalized in time to make the Winter Schedule. The courses that were offered are listed in the Butte College 1981-82 catalog on pages 150 and 151.

Credentials

The report indicated, on page 7, that Butte College hired two coaches to teach the conditioning program who did not hold the required community college teaching credentials. It further indicated, under "Recommendations," that we should establish hiring procedures that are consistently followed so that instructors with valid community college credentials are hired.

Of the two coaches in question, who were hired by the Butte Community College District to teach conditioning programs, only one did not hold a valid community college teaching credential. That instructor applied to the district for the issuance of a temporary certificate under Section 87212 of the Education Code. This certificate can be issued, and is valid for one hundred twenty (120) days. The certificate for this



instructor who taught from January 4, 1982 to January 23, 1982, was approved by the Board on January 13, 1982, this being the first board meeting that would allow the district to authorize payment.* The certificate was sent to the Butte County Superintendent of Schools' Office, which in turn handled the certificate under the old code section, and therefore, did not grant a temporary certificate until April 19, 1982. This procedure has now been clarified with the Butte County Schools' Office.

Section 87212 of the Education Code was changed, effective January 1, 1982, to allow the governing board of a community college district to issue a temporary certificate rather than the County Superintendent of Schools. Butte College had changed its procedure in accordance with the new section. The Butte County Superintendent of Schools Office had not, and was still operating under its old procedure, which made the certificate late, but in fact, we had complied with the law. This is the current procedure for handling any temporary certificate.

The second instructor had been an instructor in Glenn County and holds a General Secondary credential. In trying to get a copy of the General Secondary credential, the district checked with Butte County Schools, Glenn County Schools, and the Credential Section of the State of California, and could not obtain a copy. However, in talking with a gentleman in charge of credentials at the State Department, he indicated that he knew the instructor and had known him when he was teaching in Glenn County and knew for a fact that the instructor had the credential. However, in moving from one office to another they could not locate it in their files. Because of this, we requested that the instructor apply for a temporary certificate. This certificate was not approved until September 24, 1981, and he did teach from August 13, 1981 to August 29, 1981. He originally applied for his temporary certificate on August 13, 1981 and signed the affidavit at that time. The application and affidavit were held at the college until accompanying documents were received. This made the County's approval date late because the County approves temporary certificates only once each month.

As stated in the incident above, however, the new Education Code Section 87212 did change that procedure, effective January 1, 1982. Since January 1, 1982 when the Code was changed to allow the governing board to grant temporary certificates rather than forwarding them to the County Office, the district has taken steps to ensure that instructors have valid credentials and all have applied for temporary certificates.

Overpayment

All part-time instructors at Butte College are paid in accordance with their contracts. There is a procedure that has been established whereby the area dean, the center supervisor, or the dean, (whoever is the appropriate supervisor) submits to the Business Office an "Exception Notice." We then adjust the pay for that period for part-time instructors according to the "Exception Notice." In reviewing our records we found there were no notices submitted.

*AUDITOR GENERAL NOTE: The dates January 4, 1982, and January 13, 1982, indicate that the coach taught without a valid teaching credential for nine days.

Mr. Thomas W. Hayes, Auditor General
August 17, 1982
Page three

It is apparent that there was an overpayment, and the district will be auditing the records. When the amount of overpayment has been determined, steps will be taken to recover the money.

Units of Academic Credit

Butte College was undergoing a change to a new computer system during that summer session. There were errors in the printout, as expected, in the change-over.

The recommendation to adjust the academic records of students to reflect the proper number of credits has been addressed.

The "inaccuracies" referred to in paragraphs one, two and three of page 12 have been considered. The number of units to be earned by matriculating in the courses is specified in the college catalog. The district is of the opinion that catalog definitions constitute a commitment, and in a sense, a contract with the students. Students entered the courses in good faith and upon completion of the requirements set forth by the instructor, expected to receive the specified number of credits. The fact that the instructor(s) did not meet his(their) contractual responsibilities to the district is not the fault of the students. Penalizing the students for the instructors' lack of integrity appears unjust and perhaps illegal. Under the circumstances, the district feels that the students should receive full credit for the courses.

The discrepancy referred to in paragraph 4 of page 12 and continued on page 13, has been corrected. The error, clerical in nature, was easily remedied and all records and transcripts are now uniform and accurate.

Recommendation for Monitoring Classes

Butte College operates centers in Chico, Oroville, Paradise, Willows and Gridley, and employs supervisors for each of these centers. Off-campus classes offered away from the centers do not have full-time supervision, but are under the general supervision of one of the centers or the college evening program supervision. We cannot physically monitor each off campus class each time it is offered due to fiscal constraints. The majority of our classes are offered at the centers and are under the direct and constant supervision of the supervisor for the individual center.

Thank you for your consideration of this additional information. We hope that it will clarify some of the issues in your draft report.

Sincerely,



DR. WENDELL LEE REEDER
Superintendent/President

WLR:ek

California State University, Chico
Chico, California 95929-0150



Office of the President
(916) 895-5201

August 17, 1982

Mr. Thomas W. Hayes
Auditor General
State of California
660 J Street, Suite 300
Sacramento, California 95814

Dear Mr. Hayes:

Thank you for sending me a copy of your draft report to the Joint Legislative Audit Committee concerning certain athletic training programs conducted by Butte College on the California State University, Chico campus.

My staff and I have considered your report carefully and find that--as it concerns this University--it is accurate and enlightening. We accept your findings as a useful cautionary and will take some pains to ensure that Chico faculty are aware of the complications that may be involved in providing services, as independent contractors, to other educational institutions operating within unfamiliar constraints and under different academic policies.

Sincerely,

A handwritten signature in cursive ink that appears to read "Robin S. Wilson".

Robin S. Wilson
President

cc: Chancellor Dumke